

# Current Trends

## Family Drug Courts: Addressing Substance Abuse and Dependency Issues in Virginia

Research has recognized that substance abuse is a critical factor in families involved with the child welfare system. When parents abuse alcohol and/or drugs, their ability to provide appropriate care to their children is impaired, as addiction undermines the user's judgment and priorities in ways that often result in child abuse or neglect. One study indicates that nearly all children of substance abusers suffer some level of neglect, while 27 % of children of alcoholics and 19 % of children of heroin addicts suffer abuse. Additionally, research demonstrates that children raised by adults with substance use disorders have more adjustment problems, more behavioral, conduct, and attention-deficit disorders than other children, and generally function less well on many measures of behavioral and emotional functioning.<sup>i</sup>

Children from families with substance use disorders are more likely to enter the child welfare system at a younger age than other youth, and are more likely to exit the system through adoption rather than discharge to a parent or relative. Further, the substance use disorder is often one issue among many the family is facing, as research indicates that child welfare clients with an identified substance dependence issue have more problems overall than other clients in the system. Typically, case managers see a range of issues including domestic violence, mental illness, economic and housing insecurity, criminality, and dangerous neighborhood environments.<sup>ii</sup>

Criminal and juvenile justice system practitioners have also recognized that when substance use disorders are at issue, juvenile, family, and criminal court dockets are increasingly handling the same types of cases and often the very same litigants. In light of the dictates of the Adoption and

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Safe Families Act of 1997,<sup>iii</sup> the court system is charged with the development of mechanisms to ensure judicial supervision, coordination, and accountability of the services provided to families in crisis.<sup>iv</sup> As a result, family drug courts have been implemented in several states; three are operating in Virginia.<sup>v</sup>

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A family court is defined as a drug court that deals with cases involving parental rights. Cases come before the court through either the criminal or civil process, as a result of the substance use disorder of the parent. Family drug courts provide immediate intervention in the lives of children

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and parents using drugs, or children exposed to addiction through family members. Such courts also provide the necessary structure for clients through ongoing, active involvement and oversight of drug court judges. As a holistic approach to treating children and parents together, the family drug court operates as a model of therapeutic jurisprudence. Judicial attention shifts from determining individual blameworthiness to ensuring personal accountability, and from offering an opportunity for rehabilitation to requiring measurable progress toward rehabilitation goals. Child protection continues to be the primary focus, but the model uses the power of the courts to ensure parents are offered treatment and make progress toward recovery from addiction.

Like criminal drug courts, family drug courts are a collaborative effort between child welfare agencies, prosecutors, defense attorneys, child advocates, the substance use disorder treatment community, probation offices, and ancillary service providers. The court is the prime mover, ensuring that the goals and objectives are achieved through the consistent application of rewards and sanctions. Eligibility criteria vary from program to program; typically clients are identified through neglect and abuse petitions, and may include cases in which an infant tested positive for drugs at birth. Many family drug courts require that each participant be independently eligible for participation in the program, meaning there must be drug or alcohol allegations against both parents.

Some preliminary research indicates that applying the criminal drug court model to family courts shows promise. A study by The Urban Institute found that urine drug monitoring, a staple of drug court programs, was related to the likelihood of family reunification. Children of parents placed in drug monitoring were more likely to return permanently to their parents rather than foster care, and were

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under court supervision a shorter time than children whose parents with substance use disorders were not placed in the monitoring program. The monitored parents also received more referrals for

services and were more cooperative with referrals than those clients not participating in drug monitoring.<sup>vi</sup>

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Research on Virginia's family drug courts is in progress. Alexandria, whose program has been operating since August 2001, has had 15 participants and one graduate as of December 2002. The Charlottesville program was developed as a pilot in July 2002 and has served 8 parents. The Richmond City program, implemented in September 2002, is limited to 5 families.<sup>vii</sup> It is hoped that as positive outcomes emerge from these three programs, more

localities will implement similar family drug court programs.

For more information on Virginia's drug courts, contact the Office of the Executive Secretary, Supreme Court of Virginia at (804) 786-6455.

For information on drug court funding, program components, and technical assistance, contact the Office of Justice Programs at <http://www.ojp.usdoj.gov/>

<sup>i</sup> Semidei, J.; Radel, L.F.; and Nolan, C. (2001) Substance Abuse and Child Welfare: Clear Linkages and Promising Responses. *Child Welfare*, 80, 2, pp. 109-128.

<sup>ii</sup> US Dept. of Health and Human Services, Children's Bureau (1999) *The AFCARS Report, Current Estimates as of January 1999*, Washington, DC.

<sup>iii</sup> This act dictates that states initiate termination of parental rights for children who have been in foster care for 18 of the previous 22 months.

<sup>iv</sup> Cooper, C. (2000) *Juvenile and Family Drug Courts: An Overview*. Washington, DC: Office of Justice Programs and Technical Assistance Project.

<sup>v</sup> Alexandria, Richmond, and Charlottesville

<sup>vi</sup> Harrell, A.; and Goodman, A. *Review of Specialized Family Drug Courts: Key Issues in Handling Child Abuse and Neglect Cases*. Washington, DC: The Urban Institute (1999).

<sup>vii</sup> Office of the Executive Secretary. *Summary Report on Virginia's Drug Court Programs*. Richmond, VA: Supreme Court of Virginia and the Department of Criminal Justice Services (2003)